

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a non-reimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term "veterans transition assistance and benefits program" means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term "Armed Forces" has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) **IN GENERAL.**—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) **AVAILABILITY.**—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

The title is amended so as to read:

To amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

Mr. NICKLES. Mr. President, this bill is a very important bill. It is the Senate bill S. 1711, the Veterans' Benefits Improvements Act of 1996.

Senator SIMPSON had a substitute which we are now entering into the RECORD. Again, this is very substantive legislation, which Senator SIMPSON deserves great accolades for. And I compliment him for the amendment.

CORRECTING THE ENROLLMENT OF THE COAST GUARD AUTHORIZATION ACT CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 229, which corrects the enrollment of the Coast Guard authorization conference report.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the concurrent resolution be considered agreed to, with the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 229) was agreed to.

COAST GUARD AUTHORIZATION ACT OF 1996—CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of the Senate conference report to accompany S. 1004, the Coast Guard authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference of the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1996.)

Mr. CHAFEE. Mr. President, I rise in support of the conference report to S. 1004, the Coast Guard Authorization Act. As chairman of the Environment and Public Works Committee, which has jurisdiction over oil pollution issues, I am pleased to report that S. 1004 contains a number of important improvements to the Oil Pollution Act of 1990, or OPA. These improvements represent several solid steps forward in our ongoing efforts to prevent oil spills from occurring in our Nation's waters and to better respond to the oil spills that do occur.

I convened the Environment and Public Works Committee for a series of hearings to address oil pollution issues earlier this year in response to a number of major oil spills.

The spill of greatest interest to me, as you might imagine, happened just off the coast of my home State of

Rhode Island on January 19 of this year. It occurred when a tug boat had a fire in rough seas and eventually lost control of the barge it was towing, which was carrying millions of gallons of home heating oil. The sad outcome was that the barge, the North Cape, ran aground and spilled some 800,000 gallons of oil into Block Island Sound.

The economic and environmental harm to my State from the spill was extensive. Thousands of lobster carcasses washed up on our shores, hundreds of birds were left dead or severely injured, and many who rely upon the sea for their livelihood in the area were financially hurt, some seriously.

The committee held a total of three hearings. The first of these was held in Rhode Island so we could hear and learn from the people most directly affected by the spill.

In our hearings we learned that, overall, OPA is working pretty well. The clear consensus of all witnesses who testified during our hearings is that OPA is a valuable piece of legislation that has helped to produce faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement in the Act. On the prevention side, for example, OPA can, and should, be strengthened so that we can avoid having to respond to an oil spill at all. The recent spills have only served to underscore the need for more effective prevention measures. We also learned that our oil spill response capabilities can, and should, be honed.

As a result, on May 7, I, along with Senators LIEBERMAN and LAUTENBERG, introduced S. 1730, the Oil Spill Prevention and Response Improvement Act. Senator PELL also eventually became a cosponsor. As its name implies, the bill has two major purposes: First, to prevent oil spills from occurring; and second, to provide for a more effective response to the oil spills that do occur.

On June 20, the Committee on Environment and Public Works voted 17 to 0 to report S. 1730. I am extremely gratified that the majority of the provisions and issues addressed in S. 1730 as reported are contained in the conference report before us today.

Let me now explain what these provisions are and the intent underlying them.

ENHANCING OIL SPILL PREVENTION

There are two major provisions in the conference report that will help prevent oil spills from single-hull oil-carrying barges. Both provide for new rules to apply to such barges within 1 year, by October 1, 1997.

The first set of rules will require all single-hull oil-carrying barges to have means to prevent grounding in the event of a problem at sea. The required anti-grounding protection can take the form of an operable anchor and crew

member on board the barge, an emergency barge retrieval system, or comparable measures. These rules will prevent situations where barges carry millions of gallons of oil through environmentally sensitive waters without any kind of protection against grounding.

The second set of rules will require all vessels that tow oil-carrying barges to have fire-suppression measures. Never again should we be in a situation where the lives of crew members and a pristine marine environment are at risk because a towing vessel does not have the ability to suppress an on-board fire.

These new rules for single-hull tank barges and the vessels which tow them are important. Although the best way to prevent spills from vessels is to equip them with double hulls, it is quite expensive to build a new double-hull vessel or to retrofit a single hull vessel with a second hull.

Thus, in enacting OPA originally, Congress determined that all oil-carrying vessels in U.S. waters ought eventually to have double hulls, but that the oil transportation industry would need some time to make the transition, given the expense involved. Congress directed the Coast Guard to issue rules to help prevent oil spills from single hull vessels during this transition period.

These rules were to have been issued within one year after OPA's enactment—or by August 1991. Remarkably, however, by the time we held our first hearing on OPA, the Coast Guard still had failed to issue the rules, nearly five years after the mandatory statutory deadline.

This delay has undermined a key purpose of OPA, which is to reduce spills from single-hull vessels pending their replacement with double-hull vessels by the year 2015.

The Coast Guard finally issued one part of the required rules earlier this summer. The rules prescribe operational measures for single-hull tank vessels, which should prove valuable in helping to prevent oil spills from such vessels.

But there is another important subset of rules on single-hull tank vessels the Coast Guard still has not issued—those prescribing structural measures to reduce spills from such vessels. During our hearings, various high-level Coast Guard officials assured the Committee repeatedly that such rules would be published by December 1996.

It is this Senator's firm expectation that the Coast Guard will be true to its word and issue the rules on structural measures within the next three months; 6½ years has been more than enough time for the Coast Guard to adopt such measures. If the agency fails again to comply with its mandate, then the Congress will have no choice but to consider seriously taking up similar legislation again.

Let me add that one of the reasons the Coast Guard offered for being so late in issuing the single-hull vessel

rules is because of confusion about the standard under which such rules are to be issued. That standard, set forth in section 4115(b) of OPA, provides that such measures are to "provide as substantial protection to the environment as is economically and technologically feasible."

Although there admittedly is some room for interpretation in this, as in any qualitative standard, let me state for the record a couple of things that are absolutely clear about the congressional intent behind section 4115(b). First, the standard is not to be read to require adoption only of the measure or measures the Coast Guard determines are the most cost-effective or cost-efficient. Rather, the standard makes clear that all measures which satisfy its criteria are to be included in the final rule.

The rulemaking should consider measures that prevent collision or grounding of a tank vessel in addition to those that reduce oil outflow after such a collision or grounding has occurred. Finally, due regard ought to be taken of human safety, including the safety of crew members and in particular those crew serving on affected tank barges.

In addition to providing for new rules, the conference report includes a series of additional measures to address specific oil spill prevention concerns raised by recent spills in the Northeast.

For example, after the *North Cape* spill, Governor Almond of Rhode Island convened a task force to examine the economic and environmental implications of dredging the State's waterways. The conference report directs the U.S. Army Corps of Engineers to review the task force's study and to submit recommendations concerning the feasibility and environmental effects of such dredging.

The conference report further directs the Secretary of Transportation, in cooperation with the Marine Board, to examine the incidence and risk of spills from lightering, a process by which oil is transferred from one vessel to another. This examination is to evaluate the adequacy of existing rules to prevent spills from lightering operations. It should examine not only how lightering is practiced, but also where lightering is done and the extent to which sensitive environmental areas may be at risk under current rules.

The conference report also directs the Secretary to assess the role of automatic fueling shutoff equipment in preventing the actual or threatened discharge of oil during fuel loading or off-loading activity.

IMPROVING OIL SPILL RESPONSE MEASURES

Notwithstanding the best efforts of those of us in Government and in the industry, a certain number of oil spills probably are inevitable. Consequently, the conference report contains important advances that will improve our ability to respond more effectively to spills that still occur.

It does so by reducing and redressing the economic hardship and environmental damage that is caused once a spill has taken place.

On the economic side, the conference report includes a key provision of the bill I introduced in the spring, S. 1730, which will ensure that injured parties are able to obtain financial relief in the immediate aftermath of a spill. After the North Cape spill, some lobstermen and fishermen were reluctant to pursue compensation for short-term damages for fear of waiving any rights to future compensation. This reluctance at times led to significant hardship, as most fishermen and lobstermen are self-employed, and thus, do not qualify for unemployment benefits.

To address this troubling situation, the conference report makes clear that a person injured by a spill may bring a claim for less than the full amount of damages to which he may be entitled, without waiving the right to future compensation. Thanks to this clarification, fishermen put out of work will no longer have to wait while their rent and grocery bills pile up before pursuing a claim. And small businesses such as fish markets that depend on the marine environment will not be forced out of business while awaiting compensation for their injuries.

The responsible party may establish reasonable parameters within which claims for partial, interim damages may be presented to avoid undue transaction costs, consistent with avoiding financial hardship to parties injured by a spill.

On the environmental response side, the conference report improves OPA by encouraging better advanced planning. It also fosters rapid availability to important new information and expertise in the wake of a spill.

First of all, the report clarifies that the owner or operator carrying out the response must follow the National Contingency Plan unless the President or On-Scene Coordinator determines that deviation would bring about a faster or more effective response.

Second, the report provides for a national clearinghouse to compile and disseminate information on the environmental effects of oil spills. This information clearinghouse will distribute up-to-the-minute knowledge to response personnel on how best to mitigate the environmental effects of particular spills.

Some of this information undoubtedly will derive from another provision in the conference report, which directs the Secretary of Transportation to study the environmental and public health risks from discharges of group-5 fuel oil.

Finally, area contingency plans will now be required to include the names of local scientists with expertise in the environmental effects of oil spills. This requirement will ensure that response officials may avail themselves quickly of expertise available in the spill area,

in particular with respect to the local marine environment.

CHANGES TO SECTION 1016 REGARDING ENSURING EVIDENCE OF FINANCIAL RESPONSIBILITY

Section 1125 of the conference report modifies OPA's financial responsibility requirements.

These requirements mandate that vessels and oil-related facilities demonstrate evidence of access to financial resources that will cover the likely costs of cleanup and damages in the event of a spill. In this way they provide a guarantee that money will be available to finance all or most of the cleanup and damages. An entity may satisfy this requirement by entering into a contract with a guarantor, usually in the insurance industry, who agrees to be subject to claims for cleanup costs and damages up to a designated amount in the event of a spill.

There are at least two important purposes served by these requirements: First, they ensure that the polluter—not the U.S. taxpayer—bears the financial burdens resulting from oil pollution. Second, they ensure that claims will be presented and resolved promptly without subjecting claimants, especially injured individuals and small businesses, to protracted and expensive litigation.

MODIFICATIONS TO AMOUNT OF FINANCIAL RESPONSIBILITY REQUIRED FOR OFFSHORE FACILITIES

The conference report brings the amount of financial responsibility required of offshore facilities under OPA more into line with common sense and the original intent of Congress. It will allow us to avoid imposing undue and unintended economic burdens while also ensuring that the interests of the environment and the parties financially injured by a spill will continue to be protected.

The conference report does three things in this regard.

First, it corrects an unjustifiably broad interpretation of OPA by the Department of the Interior. That interpretation would apply the financial responsibility requirements for offshore facilities to traditional onshore facilities like land-based oil terminals and marinas.

We have many such onshore facilities in my State of Rhode Island and throughout the country. They never were intended to be subject to OPA's financial responsibility requirements for offshore facilities, even if they have certain appurtenances that extend onto submerged land. The report serves to make our original intent unmistakably clear.

Second, the conference report exempts from financial responsibility requirements small offshore operators who, even under a worst-case scenario, lack the capacity to cause a major oil spill. This *de minimis* exemption removes the potential for imposing an unjustifiably heavy financial burden on small businesses that pose only minimal environmental risk.

Importantly, however, the conference report does not affect the liability of a

facility that actually engages in a spill. Moreover, the President retains the discretion to require even a small offshore facility to demonstrate evidence of financial responsibility if the risk justifies it.

Third, the conference report allows for some flexibility in the amount of financial responsibility to be required of non-*de minimis* offshore facilities. OPA currently directs the promulgation of regulations that would require all offshore facilities to meet financial responsibility requirements at a \$150 million level.

The conference report, however, calls for use of the current \$35 million requirement in the Outer Continental Shelf Lands Act for facilities in Federal waters while giving the President discretion to increase the requirement on the basis of risk. A similar approach is taken for offshore facilities in State waters, except that the minimum financial responsibility requirement is \$10 million, given that many coastal States impose their own such requirements.

These changes should remove the potential for unnecessary and inefficient economic burdens yet preserve OPA's fundamental purpose of ensuring that oil-spill polluters pay for their pollution.

NARROWING "DIRECT ACTION" AGAINST GUARANTORS FOR OFFSHORE FACILITIES AND REAFFIRMATION OF LIMIT ON GUARANTOR LIABILITY

There are a couple of other changes the conference report makes to OPA's financial responsibility requirements.

First, the conference report modifies the situations in which claims may be brought directly against a guarantor for an offshore facility. Ordinarily, OPA provides that all claims may be brought against a spiller's guarantor.

The conference report limits the filing of claims directly against a guarantor for an offshore facility, however, to three instances: First, the claim is asserted by the United States, either for its own removal costs and damages or to recover any compensation paid by the oil spill liability trust fund to any claimant under OPA, including costs incurred by the Fund in processing claims; second, the spiller has filed a petition for bankruptcy; or third, the spiller has denied or failed to pay a claim on the basis of insolvency.

These changes to direct action against a guarantor for an offshore facility arose from the concern some have expressed that smaller, independently owned offshore facilities might find it difficult to meet OPA's financial responsibility requirements because of high insurance costs. Because OPA's financial responsibility requirements have yet to be imposed on offshore facilities, this remains to be seen.

Nevertheless, it is important to point out that the report makes changes to direct action against guarantors only with respect to offshore facilities. This narrow scope is intentional and it would not be proper to expand it—to

vessels, for example—because offshore facilities are fundamentally different in this context. Many are small and independently owned and, most important, unlike vessels, they are immobile.

The report also directs that regulations be issued to establish a process for implementing the changes to direct action for guarantors of offshore facilities. The process must allow for the orderly and expeditious presentation and resolution of claims and effectuate OPA's purposes.

This is an important rulemaking and needs to protect claimants from procedural mazes and confusion in the presentation of their claims. They must not be subjected to shell games in which they get bounced back and forth between a responsible party and its guarantor. The key purpose of OPA to ensure that injured parties have quick and clear access to compensation for their damages must not be undermined.

Consequently, in the rulemaking authorized under the conference report, it should be clarified that the guarantor may not raise a defense to a direct action that is based on an allegation that the responsible party has not engaged in a prerequisite to the allowance of the direct action—that is, the guarantor should not, on direct action, be permitted to bar the claim by arguing that the responsible party has not filed a petition for bankruptcy or has not denied or failed to pay a claim on the ground of insolvency. To allow for such defenses to be raised would in essence allow a guarantor for an offshore facility to further narrow the conditions under which it is subject to direct action from three to one, thereby undermining congressional intent.

Moreover, the rulemaking ought to provide clear guidance and notice to injured parties on how and to whom they may present their claims. The changes to direct action in the report should not result in parties injured by spills from offshore facilities having their claims subject to a more protracted or difficult process than other OPA claimants.

The conference report also reaffirms Congress's original intent in enacting OPA in 1990 concerning the limit of liability for a guarantor on claims brought under the act. Thus, the changes to and addition of text in the subsection should not be read to effect any substantive change in that liability limitation. Instead, they are meant only to confirm that OPA does not impose liability with respect to an incident on a guarantor for damages and removal costs in excess of the amount of financial responsibility provided by the guarantor under the act.

CONCLUSION

The Senate Environment and Public Works Committee, of which I am chairman, has jurisdiction over many of the OPA issues addressed in the conference

report. Some of the other OPA amendments in the report, however, are within the jurisdiction of the Senate Commerce Committee.

In that regard, I would like to thank Commerce Committee Chairman PRESSLER for his cooperation in facilitating the coordination of the work of our two committees. In the same vein, special thanks also are due Senator STEVENS, chairman of the Subcommittee on Oceans and Fisheries.

I also want to express my gratitude to House Transportation and Infrastructure Chairman SHUSTER for his willingness to work so cooperatively with the Senate on the differences between the House and Senate bills in conference.

Finally, I want to thank Senators LIEBERMAN and LAUTENBERG, the two original cosponsors of S. 1730. These Senators have worked diligently to help shape the OPA amendments, first offered in S. 1730 and now in the conference report, so that the amendments will best achieve their intended purposes.

Mr. HOLLINGS. Mr. President, I am pleased to join with my colleagues in supporting the conference report on S. 1004, the Coast Guard Authorization Act of 1996. Congress has not completed action on a Coast Guard authorization bill since 1993. In recent years, the bill has become the hostage of legislative battles on issues that are completely unrelated to the Coast Guard authorization.

Today, after many hours of discussion, I am pleased that the conferees finally have reached agreement on widening legislation that enjoys widespread support. The conference report authorizes funding of just over \$3.7 billion annually for fiscal years 1996 and 1997, provides for end-of-year military strength and training loads and addresses a backlog of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: personnel administrative reforms requested by the administration, marine safety and waterways management improvements, updated authority for the Coast Guard Auxiliary, regulatory reforms for the U.S. maritime industry, and tougher controls to reduce marine plastic pollution.

The conference report recognizes that the Coast Guard has an important job and does it well. Indeed, the widespread support for the Coast Guard budget reflects the breadth and complexity of its missions—from protecting our maritime boundaries and the safety of life at sea to preserving the ocean environment and enforcing maritime laws and treaties. On an average day in 1994, the Coast Guard saved 14 lives, assisted 328 people, responded to 34 oil or hazardous chemical spills, inspected 64 commercial vessels, seized 379 pounds of illegal drugs, serviced 150 aids-to-navigation, and interdicted 174 illegal aliens.

Over the years, we have continued to ask the Ocean Guard to do more with

less. In typical fashion, the Coast Guard has responded with a streamlining plan that will trim \$400 million from the budget by 1998 and allow personnel reductions of 4000 people. As an example of the pragmatic approach the Coast Guard has taken in this plan, we recently welcomed the Coast Guard high endurance cutters, *Dallas* and *Galatin*, to their new homeport at the Charleston Navy Base. By relocating Coast Guard assets from expensive locales like Governors Island to areas where the quality of life is high and the cost of living is reasonable, everyone benefits. The Coast Guard is better able to meet both its budgetary bottom line and its personnel needs.

Turning to the conference report, I would like to highlight some key provisions. With respect to the Coast Guard bridge program under the Truman-Hobbs Act, the Federal Government shares with the States the cost of altering publicly owned bridges that obstruct the free movement of marine traffic. The administration requested no funding for this account in fiscal year 1995, initiating a new policy under which the Coast Guard no longer would seek direct funding for alteration of highway bridges. Instead, the administration proposed that the Federal share of such projects be financed from the discretionary bridge funds of the Federal Highway Administration, under the continuing program direction of the Coast Guard.

The conference report provides the Secretary of Transportation with the discretionary authority and the flexibility to fund the program from either the Coast Guard bridge account or the discretionary bridge fund of the Federal Highway Administration. I anticipate that the Department of Transportation will use this new authority in the months to come in developing a plan to ensure stable funding for this longstanding and essential part of our national transportation safety program. In addition, individual Truman-Hobbs bridge projects, such as the John F. Limehouse Memorial Bridge in Charleston, SC, are critically important to address local transportation infrastructure needs. Consequently, I would like to thank the Department for working with me to identify \$9 million in unused federal highway funds that will be made available to begin construction of the Limehouse Bridge. This bridge project is essential to improve navigation safety and provide for adequate evacuation of the Charleston area in the event of another hurricane or natural disaster.

On another matter, the Coast Guard has worked with the maritime industry in recent years to develop a package of amendments to existing marine safety laws that would allow their implementation in a more cost-effective and efficient manner, reduce the regulatory burden on the industry, and provide greater flexibility in making safety decisions. The amendments contained in the conference report before us today

specifically would: implement the International Safety Management Code for U.S. vessels engaged in foreign commerce; allow qualified third parties such as the American Bureau of Shipping to conduct vessel safety inspections; allow greater use of foreign manufactured safety equipment; and extend the validity of Coast Guard certificates of inspection from 2 to 5 years, allowing earlier scheduling of annual inspections. The changes will help U.S. flag vessels to become more competitive in international trade and reflect the Coast Guard's commitment to harmonize U.S. regulations with international requirements. In addition, the conference report provides relief to operators of small passenger vessels from the exorbitantly high inspection fees that the Coast Guard was forced to establish in its efforts to achieve deficit reduction mandates.

The conference report also includes a provision developed in cooperation with Senator Lautenberg that would amend the act to Prevent Pollution from Ships [APPS] to strengthen requirements that ports maintain reception facilities to offload plastic wastes generated by vessels at sea. The legislation calls for the Secretary to inspect and maintain a list of such facilities and for port operators to post placards encouraging reporting of any inadequacies. The report also amends the Marine Plastic Pollution Research and Control Act to: continue the Secretary's biannual reporting to Congress on compliance with APPS; add a requirement to publish an annual list of APPS violators; establish a Marine Debris Coordinating Committee; and continue and expand the Federal public outreach program to include the use of grants.

Like most legislation, this conference report reflects a compromise and does not include some provisions which this Senator would have liked to have had enacted. In particular, I was disappointed that we were unable to persuade the House of Representatives to accept the Senate provision on funding for State boating safety programs. The Senate-passed provision would have ensured that States receive a stable source of financial assistance for the development and implementation of a coordinated national recreational boating safety program. This is an issue that should be addressed early in the 105th Congress.

Over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officers as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations embargoes against countries like the former Republic of

Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting the conference report on S. 1004.

Mr. PRESSLER. Mr. President, I rise to support adoption of the Coast Guard Conference Report for fiscal years 1996 and 1997.

Mr. President, the Coast Guard has broad ranging responsibilities—from enforcing America's maritime laws to ensuring the safety of recreational boaters.

Mr. President, like other Federal agencies, the Coast Guard faces the challenge of continuing to provide better government at less cost. It is clear the American taxpayers are demanding a smaller, more accountable Federal Government. At the same time, the demand for certain government services, including those provided by the Coast Guard, continues to be great. The Commandant of the Coast Guard, Admiral Robert E. Kramek, recently announced his National Plan for Streamlining the Coast Guard, which will save, on a cumulative basis, nearly one billion dollars by the year 2005 and make available over one billion dollars in property for other uses. Despite cuts of this magnitude, the Coast Guard will continue to perform all its current missions. I am pleased the Coast Guard is making a serious effort to improve its efficiency while maintaining its effectiveness.

Mr. President, the conference report before us authorizes appropriations for the Coast Guard for fiscal years 1996 and 1997 and authorizes several management improvements requested by the Coast Guard. Many Members on both sides of the aisle have expressed interest in this bill and we have addressed their requests as best we could. The conference report has broad bipartisan support.

Mr. President, I believe the Coast Guard is up to the challenge of maintaining its status as the world's premier maritime organization despite intense budget pressure. It is my belief this authorization bill provides the Coast Guard with the support it needs to meet that challenge.

Mr. President, let me take this opportunity to thank the very capable Senator STEVENS, who is chairman of our Oceans and Fisheries Subcommittee, for his leadership in developing the original bill. I would like to recognize Senator HOLLINGS, the ranking Democratic member on the full committee for his bipartisanship throughout this process.

Mr. President, I would also like to thank Congressman SHUSTER, chairman of the House Transportation and Infrastructure Committee and chairman of our Coast Guard Conference. He and his staff have worked long and hard in completing our work on this authorization.

Mr. President, finally I thank my colleagues for their contributions and

support and I urge the adoption of the conference report for S. 1004.

Mr. STEVENS. Mr. President, the Coast Guard is very important in Alaska, where the commercial fishing industry is the largest private sector employer. We have over half the coastline of the United States, and sportsmen from around the world come to fish off Alaska. Alaskans and others rely on the Coast Guard every single day in Alaska.

At a national level, the Coast Guard is also important. Nationwide last year, the Coast Guard: (1) saved 4,450 lives—an average of one life every two hours; (2) assisted 98,900 persons in distress; (3) conducted 12,634 fisheries boardings; (4) inspected 38,000 U.S. vessels and 9,000 foreign vessels; (5) conducted 51 drug seizure cases, confiscating 23 tons of marijuana and 49,000 pounds of cocaine; (6) conducted 16,976 pollution investigations; (7) serviced 39,059 Federal navigation aids; and (8) saved or protected \$7.3 billion in property, more than twice the Coast Guard's budget in 1995. In short, the Coast Guard performs functions that are vital to every American who goes near the water.

The conference bill and statement reauthorize the important activities of the Coast Guard for fiscal years 1996 and 1997. Our statement explains each of the sections of the bill, so I will not go through it in detail here.

I would like to thank Conference Chairman BUD SHUSTER and his staff, Rebecca Dye and Ed Lee. They have done a great job running this conference. In the Senate, I want to thank Chairman PRESSLER, and his staff Tom Melius and Jim Sartucci. Chairman PRESSLER's record as chairman this Congress has been remarkable. His accomplishments have included the Telecommunications bill, the ICC dismantling bill, the Maritime Security bill, the Magnuson reauthorization, and now the Coast Guard authorization, to name a few. Both Tom Melius and Jim Sartucci have been invaluable to the chairman and to me on the Coast Guard bill and other legislation.

Thanks also to Senator HOLLINGS and Subcommittee Chairman KERRY for their help with this bill, and to their staff, Penny Dalton, Carl Bentzel and Lila Helms. Lastly, I would like to thank my legislative director, Earl Comstock, and my staff on the Oceans and Fisheries Subcommittee, Trevor McCabe, for their work on S. 1004.

I strongly support the enactment of this important legislation.

• Mr. KERRY. Mr. President, I am pleased to join my distinguished colleagues Senators STEVENS, HOLLINGS, and BREAUX in bringing this bill before the Senate today to authorize the programs and activities of the United States Coast Guard for fiscal years 1996 and 1997.

In this time of dramatic changes in our society and our Government, I speak in support of an agency which I think virtually everyone if not abso-

lutely everyone can agree is a good investment—the United States Coast Guard. This is something that I have observed at close range; the Coast Guard is vital to my state of Massachusetts, with its hundreds of miles of coastline, unforgiving storms, bustling maritime industry, history-rich fishing industry and thriving recreational boating population.

Moreover, the Coast Guard is vital to the safety and well-being of citizens in every coastal state, and in every state with navigable waters. Today, over 50 percent of the U.S. population lives within the coastal zone, and directly benefits from the services the Coast Guard provides. Indirectly, the Coast Guard provides invaluable services to every American. In fact, more than two-thirds of the total budget for the Coast Guard is used for its operating expenses, as it provides for the public safety, protects the marine environment, enforces laws and treaties, maintains aids to navigation, prevents illegal drug trafficking and illegal immigration, and preserves defense readiness.

As we act on this bill, it is fitting that we briefly review the history of our Nation's oldest continuous seagoing service—that has fought in almost every war since the Constitution established our government in 1789. Throughout its history of over two hundred years, the Coast Guard has served as a multi-mission service, flexible enough to adjust to the needs of the nation in peacetime as well as wartime. From its origins as the Revenue Cutter Service enforcing tariff laws of the young nation under Alexander Hamilton's command in 1789, to its activities today of saving lives, enforcing U.S. laws and treaties, ensuring maritime safety and defense, maintaining safe navigation and protecting the environment, the Coast Guard has served and continues to serve the nation well.

Because of this legacy of service, I believe it is our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. We should be concerned that the Coast Guard is capable of meeting its existing mandates and recognize the Coast Guard's ever-expanding roles and missions in our coastal waters and beyond.

The Commonwealth of Massachusetts has a long and storied involvement with the sea and the Coast Guard. One of Alexander Hamilton's 10 original revenue cutters was built in the city of Newburyport. Today's Coast Guard cutters are stationed in the ports of Boston, Gloucester, Woods Hole, and New Bedford. The first lighthouse built in the country was Boston Light in 1716. Today, Boston Light stands as the only manned lighthouse still in operation in the United States. The people of Massachusetts love the water and many rely on it directly or indirectly for their livelihood. The men and women of the Coast Guard keep watch over the fishing fleets, the maritime industry,

and the over 145,000 recreational boats registered in Massachusetts. Indeed, I believe that Massachusetts has a unique and historic relationship with the Coast Guard.

But we all know that the Coast Guard's mission does not end at our shore. It protects all of our interests throughout the world, in times of war and peace. From supporting U.S. peacekeepers in Haiti, to responding to oil spills in the Persian Gulf, to supporting drug interdiction efforts in South and Central America, the Coast Guard has been there. Its work has been exemplary, but it seems that we continually ask the Coast Guard to do more with less, a practice that has persisted for some time. The Coast Guard is now in the process of a 4-year downsizing and streamlining which will ultimately reduce the Service by 12 percent—4,000 people and \$400 million. I believe that we must eventually acknowledge the finite limitations on Coast Guard capabilities and resources and I am deeply concerned about some of the choices that it will be forced to make. The bill before us today will assist the Coast Guard in this respect, allowing it to do its job more effectively and efficiently. This ultimately will benefit the public by increasing the level of safety on the Nation's waterways.

This bill contains an assortment of significant provisions. Long awaited by the maritime industry, the Coast Guard regulatory reform provisions contained in the bill will eliminate unnecessary and burdensome regulations on American shipping companies, enabling them to be more competitive in the world market. This reform will save precious resources while also relieving an unnecessary burden from a struggling industry.

A provision amending the Act to Prevent Pollution from Ships will strengthen Coast Guard enforcement capability for protecting the environment from plastics, will ensure adequate waste reception facilities at ports and terminals, and will encourage public education and reporting programs.

To increase the tools in our war on drugs, the bill will provide new authority for Federal law enforcement officials by eliminating the potential defense of some would-be drug smugglers arrested during a vessel boarding at sea by the Coast Guard. Some smugglers have thwarted prosecution by claiming protection of another country's flag during legal proceedings, when at the time of the Coast Guard boarding at sea when they were arrested, they claimed their vessel was a stateless vessel.

To make the best use of an existing technology, and to prevent a dangerous disconnect to develop during the migration to a new navigation technology, the bill calls for the Coast Guard to develop a plan for the transition from the current ground-based radio navigation technology [LORAN-C] system to a satellite-based tech-

nology, global positioning system or GPS. For safety, this plan will include an appropriate timetable for transition from LORAN-C after it is determined that GPS can serve adequately as a sole means of safe and efficient navigation. The plan must also take into consideration the need to ensure that LORAN-C equipment purchased by the public before the year 2000 has a useful economic life. This provision ensures that those that made the financial investment in LORAN-C equipment will not suddenly find that system is worthless.

The Coast Guard's efforts to downsize and streamline have been admirable, and, in general, I support the Coast Guard's plans to streamline and consolidate operations where possible. In fact, I applaud the Coast Guard's recently announced streamlining plans which do not close or consolidate any front-line operating units while they reduce the Service's personnel by 1,000 people and its overhead expense by \$100 million. However, I am concerned by the proposal to close 23 of the Coast Guard's front-line Small Boat Stations as a cost cutting effort to save \$6 million.

Another important issue is involved in the Coast Guard's proposed closing of small boat stations. I have looked closely at the criteria used by the Coast Guard to develop the closure and station modification lists and was surprised to find absent from the criteria any consideration of local and regional factors, including water temperature and unusual tidal or current conditions. The Coast Guard uses a "one-size-fits-all" approach to determining response time for its small boat stations. I believe that other important regional criteria such as severe weather conditions and tides and currents should be considered as well. For example, in some regions these conditions could slow the average response, and colder water temperatures could necessitate a quicker response time. In 1789, Treasury Secretary Hamilton, the founding father of the service that eventually became the Coast Guard, was the first to acknowledge that such conditions matter when he allowed additional funding for the construction of two larger revenue cutters in order to handle the harsh weather conditions off the coast of New England. These conditions have not changed, and it is equally legitimate and essential today for local and regional conditions to be addressed in any Coast Guard decision process. This is not a consideration limited only to Massachusetts—or even to the New England region. Especially challenging conditions exist in numbers of regions, including, for example, the Great Lakes and the Northwest Pacific.

The Coast Guard criteria also appear to exclude consideration of vital Coast Guard missions other than search and rescue—including marine environmental protection; boating safety; enforcement of drug, illegal alien, and

fisheries laws. In determining whether to close a station, I believe it is important for the Coast Guard to take into account all the services provided by the station. The Coast Guard also should contemplate the alternative measures for maintaining the station's current level of service in the area it serves.

The provisions in this bill establish a more detailed and public process to address station closure issues and those enunciated by the Senate appropriations Committee last year. My provision includes the appropriators' prohibition on station closures for fiscal year 1996. However, the provision in this bill does not prohibit station closures in the future; it only requires the Coast Guard to take into consideration the unique local and regional conditions, including water temperature, in reaching a closure decision. It also requires the Coast Guard to determine and take into account the cop on the beat effect of the station. The presence of the station, and boats and Coast Guard personnel on the water, has a positive impact on local boaters and serves as a deterrent to crime. This provision also requires the Secretary of Transportation to ensure that the closure of a station will not result in the degradation of services that would cause significant increased threat to life, property, environment, public safety or national security. Also important, the provision requires public review procedures to be established and used by the Coast Guard so that those coastal communities most impacted by the closure of a station can submit comments on their concerns before the final decision is made.

Ultimately, though, nothing in the bill prohibits the Secretary of Transportation from implementing management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. I believe that my provision gives the Coast Guard the flexibility to make the operational changes it needs to make, but ensures that coastal communities, their residents, and the environment are not put at risk by closing a station.

I am extremely pleased to have secured another key provision for Massachusetts in this bill—language that will permit financing to go forward to revitalize the Fore River Shipyard in Quincy, MA. Section 1139 of the bill is based on an amendment originally sought by Senator KENNEDY and me in the Commerce-State-Justice appropriation bill for fiscal year 1997, and later amended by Majority Leader LOTT. In my view, Senator LOTT has not inappropriately toughened up the language. In the case of the Quincy project, this language will place a greater responsibility on the Commonwealth of Massachusetts to help underwrite the necessary financing. I am satisfied that the new language leaves enough discretion to the Maritime Administration so

that a suitable arrangement can be reached that is both affordable and acceptable to the Commonwealth. This is a matter on which I, Senator KENNEDY, and Representative STUDDS have been working for over a year.

Specifically, section 1139 establishes the basis for the Secretary of Transportation to assist certain shipyards, including the yard at Quincy, by facilitating the extension of Federal loan guarantees for the reactivation and modernization of those yards and the construction of vessels by the yards. Significantly, this section has been carefully drafted to provide several layers of protection to the Federal taxpayer, and to ensure the State where a yard is located shoulders a degree of the financial burden of revitalizing the yard, and also a portion of the financial risk. For example, subsection (d) requires the State or a State chartered agency where the yard is located to deposit the amount of funds needed to cover the percentage of the risk factor cost under the Federal Credit Reform Act into the Federal treasury, and provides for the reversion of the funds to the State if no obligation needs to be paid from the deposited funds. I fully expect that the percentage of the risk factor under this subsection will never exceed 12 percent. It appears to me that a deposit from the State of 12 percent will be more than adequate to fulfill the requirements associated with the risk of default for a project of this nature.

This provision is significant to my State because the Quincy Shipyard project is the first of its kind. It is the first project to revitalize an inoperative shipyard and put it back into production as a state-of-the-art facility that will employ up to two thousand workers in good jobs. This is an amendment that makes sense, because the proposal to revitalize the Quincy Shipyard will turn it into a shipyard on the cutting edge of technology and one which will produce vessels that will be in demand in the international marketplace for years—double-hulled oil tankers to carry petroleum safely around the world. The Federal Government's investment in the Quincy Shipyard will be repaid many times over through the jobs that will be created, and through the renewed position of American maritime leadership that the project will help us attain. Now that Congress has done its part, it is incumbent upon the Commonwealth, the city of Quincy, the Massachusetts Heavy Industries Corp., and the Maritime Administration to make this project a reality.

This bill is the culmination of almost 2 years of effort, and I would like to thank the chairman of the subcommittee, Senator STEVENS, the chairman of the Commerce Committee, Senator PRESSLER, and the committee's ranking Democrat, Senator HOLLINGS, for their hard work in bringing this bipartisan bill to the floor. I believe this bill and the work of the four of us provide a superb example of how this institu-

tion can effectively write and pass good law. I also would like to acknowledge the hard work and long hours invested by the staffs on both sides of the aisle, including Penny Dalton and Lila Helms on the Commerce Committee minority staff, and Tom Melius, Trevor McCabe, and Jim Sartucci of the majority staff. On my personal staff, I would like to acknowledge the work of Kate English, Steve Metruck, Peter Hill and Tom Richey on this bill.

This bill is carefully considered, and carefully written. It merits passage. I urge my colleagues to vote for it today. ●

Mr. SMITH. Mr. President, I rise today in support of the Coast Guard Authorization Act which includes a number of provisions related to preventing oil spills in the future. Two of these provisions were added to the bill at my request, and arise out of an oil spill that occurred in Portsmouth, NH on July 1, 1996.

For the benefit of my colleagues, I would like to take the chance to briefly explain the series of events that led to this oil spill. At approximately 10:30 p.m. on Monday, July 1st, the tanker "Provence" was off-loading fuel at the Schiller Station powerplant in Portsmouth when, during a flood tide, the ship parted its mooring lines and began to drift into the middle of the Piscataqua River. One of the workers who was involved in off-loading the ship, quickly acted to shut off the pumps, but unfortunately, approximately 1000 gallons of number 6 fuel oil, which was contained in the hoses of the ship, spilled into the river. The ship then drifted over to the Maine side of the river and ran aground. Given the fact that the ship contained 250,000 barrels of oil, it is fortunate that a much more serious accident did not occur.

Less than 15 minutes after the grounding occurred, the Portsmouth Response Co-op, a local entity created to respond to these types of spills, had already begun stationing oil containment booms around the tanker, and a little more than one-half hour after that, the Coast Guard was at the site responding to the spill. Although there was a quick response to this incident, the number 6 oil that was spilled at this site is a type of oil that is heavier than water, and thus, sank to the bottom of the Piscataqua River. The result was that thousands of lobsters were soiled or killed in an area that is a prime fishing spot for the lobstermen of my State.

Notwithstanding the fact that they were limited in their ability to respond to the spill, I believe that the local fishermen, the Portsmouth Co-op, the State of New Hampshire Department of Fish and Game and the United States Coast Guard should all be commended for their expeditious and highly professional response to this spill.

Soon after the spill, I was able to take a tour of the Piscataqua on the boat of Mr. Ed Heaphy, a lobsterman in my State, in order to understand, first

hand, what occurred with this spill. While it is too soon to fully grasp the long term effects from this incident, it appears that the oil has dissipated and the lobstermen are again able to fish in this area. During my tour, and the subsequent conversations I have had with the Coast Guard, it has become readily apparent to me that there are two problems that occurred related to this spill that deserve additional attention by the Coast Guard.

The first issue involves the oil itself. The number 6 oil that spilled in the Piscataqua is classified as "group 5" oil by the Coast Guard because it is heavier than water and sinks to the bottom when it is spilled. In Portsmouth, little could be done to clean up this oil except to attempt to "fish" it off the bottom of the river utilizing oil sorbent pads tied to anchors dangled from boats. I think this is a primitive way of addressing an important oil cleanup issue.

The second issue at this site involved the oil pumping operations on the ship. Although we were fortunate that quick action resulted in the pumps being shut off, if this action had not occurred, hundreds, if not thousands of gallons per minute could have been pumped into the river. It appears obvious that we should not have to count on luck in such an incident.

Given these two circumstances, I felt that it was urgent that we take a closer look at these issues to determine if further action needs to be taken to prevent a reoccurrence of these types of spills in the future. For this reason, I drafted an amendment to attach to the Coast Guard Authorization Act. This amendment addresses the two problems highlighted during the spill in Portsmouth. The first provision would require a study of cleanup methods for group 5 oils and a report to be submitted to Congress within 18 months of the passage of this legislation. The second provision would require a study of the need for automatic fuel shutoff equipment and a report to be submitted to Congress within 18 months. In addition, this amendment gives the Secretary of Transportation the authority to adopt a rulemaking to take action on these two issues if he finds, as a result of the studies, that action is necessary to abate a threat to public health and the environment.

I would like to thank the Republican Leader Senator LOTT, the chairman of the Energy Committee, Senator CHAFEE, Senator STEVENS, the chairman of the Subcommittee on Oceans and Fisheries, and Senator PRESSLER, the chairman of the Commerce Committee, for their willingness to work with me to have this amendment adopted. I believe that this study will lead to solutions that will avoid these problems in the future, and I urge my colleagues to support it.

Mr. LIEBERMAN. Mr. President, I rise today to express my strong support for the provisions in this bill designed to strengthen our oil spill prevention

laws. This bill incorporates key provisions of S. 1730, legislation introduced by Senator CHAFEE which I was proud to cosponsor. I congratulate Senator CHAFEE for his outstanding work in this area and I was delighted to be able to work closely with him on these provisions.

Last February in Rhode Island, Senator CHAFEE and I had the unfortunate responsibility to review the tragic economic and environmental impacts of the oil spill resulting from the grounding of the barge *North Cape* off the coast of Rhode Island. At that hearing and in subsequent hearings in Washington, we also examined the implementation of the Oil Pollution Act of 1990.

We learned during those hearings that one of the goals of the 1990 Act—improving the response time for an oil spill—was largely fulfilled. Unfortunately, we also learned that the pollution prevention provisions of the Act were not working as well as the response provisions. We also heard about concerns with implementation of some of the provisions designed to ensure expeditious compensation for the victims of oil spills, such as the fishermen in Rhode Island.

We learned at our hearings that the regulatory system for tows and barges is woefully inadequate, even though they travel through some of the most environmentally sensitive areas and stormy waters. For example, barges are not required to have an operable anchor on board. Such an anchor would have slowed, if not stopped, the barge *North Cape* from drifting toward the Rhode Island shore, according to an expert witness at one of our hearings. There are no requirements for adequate firefighting equipment on towing vessels. The grounding of the barge *North Cape* was triggered by a fire on board the tug *Scandia* and the crew of the *Scandia* apparently was unable to gain access to the area where the fire suppression system was located.

I am pleased that this legislation addresses many of the problems we learned about in the aftermath of the Rhode Island spill. Let me review just a few of the highlights.

The bill takes strong steps to reduce the risks of oil spills from single hull tank barges. By October 1, 1997, the Secretary of Transportation must issue a rule requiring single hull tank barges to have at least one of the following: a crewmember and an operable anchor on board the barge that can stop the barge without additional assistance; an emergency system on the barge or towing vessel that will allow the barge to be retrieved by the towing vessel if the towline ruptures; or other measures that the Secretary determines will provide comparable protection against barge grounding.

The legislation also requires that by October 1, 1997, the Secretary require the installation of fire suppression systems or other measures to provide assurance that a fire on board a towing vessel towing a tank vessel can be suppressed.

Another important provision of the bill reaffirms that the Oil Pollution Act of 1990 allows those who have suffered economic loss from an oil spill to receive payment for interim, short-term damages without losing their right to recover all damages down the road. In Rhode Island, some fishermen who needed money immediately for their daily existence were reluctant to pursue partial claims because of fear that they might waive their rights to long-term damages. They suffered significant hardship, and we want to assure that such a situation will not happen again.

The bill also strengthens the current law's requirement for compliance with a response plan in the event of a spill. It provides that such plans must be followed unless deviation would provide for a more expeditious or effective response to an oil spill or mitigation of its effects.

The bill also includes an important study that the Secretary, in coordination with the Marine Board, must conduct on the risk of oil spills from lightering operations, including recommendations on measures that would likely further reduce the risks of oil spills from lightering operations. These recommendations should help to protect our local marine environment from the threats posed by such spills.

Oil spills are an unfortunate fact of modern life, but their effect on our world, the economy, and people can be minimized if we write and enforce good laws that make spills rarer, allow quicker cleanup and provide adequate compensation to victims. The Oil Pollution Act of 1990 helped make the Rhode Island spill of 1996 less severe than it might otherwise have been. But the spill might have been avoided altogether, and that must remain our goal for the future. Enactment of the legislation we are considering today will help move us toward that goal.

Ms. SNOWE. Mr. President, I rise in strong support of the conference report for the Coast Guard Authorization Act of 1996.

Mr. President, many senators, particularly those who represent landlocked States, would probably not think of a Coast Guard reauthorization bill as being a very difficult undertaking. But the development and negotiation of this bill has not been easy.

Three years have elapsed since the Coast Guard was last reauthorized, even though this essential agency is supposed to receive an annual authorization like the Defense Department. Unfortunately, several controversial issues have slowed the progress of this bill, and it was not until yesterday that the last of these was finally resolved between the Members of the House and Senate on both sides of the aisle.

I think the fact that we have gotten the bill this far—to the verge of sending a conference report to the President—is a testament to the expert leadership that the bill has been fortunate

to receive. Senator STEVENS, the Oceans and Fisheries Subcommittee chairman, and Senator PRESSLER, our full committee chairman, have done an impressive and artful job of shepherding this bill past many seemingly insurmountable obstacles and pitfalls. This bill teetered on the precipice on several occasions during the past 2 years, and each time, Senators STEVENS and PRESSLER rescued and revived the measure. Their deft handling of this measure is what has brought it so close to enactment.

Mr. President, the American people want this bill. The Coast Guard provides an essential service for our country. It makes the waters of this maritime Nation safe for the mariners of all stripes who ply our waters—the commercial and sport fishermen, the merchant seamen, the sailing enthusiasts, the cruise ship passengers, and others. It defends our borders from the depredations of the drug lords who would export their poison to our communities. It protects our waters from oil spills and other forms of marine pollution.

We need to reauthorize and update the legislative authorities for this critical agency, and this conference report does a good job in that regard. Not only does this report include necessary reforms and authorities for the Coast Guard, but it is a fiscally responsible piece of legislation. It authorizes approximately \$3.8 billion for the Coast Guard in fiscal years 1996 and 1997. This amount represents a very small increase over the funding levels in the previous authorization which expired in 1993.

Mr. President, I would also like to specifically mention several provisions in the report that are based on amendments I sponsored or cosponsored with other Senators during consideration of the Senate bill, and that have been retained in the conference report.

One of the longest lasting legacies of this bill will be the preservation of 36 lighthouses on the coast of Maine. This provision originated as a stand-alone bill earlier in the year, S. 685. It was adopted by the full Senate in S. 1004, the Senate Coast Guard bill, and it is included in the conference report.

This provision will create the Maine Lights program to transfer these historically and environmentally important lighthouses to new owners who will agree to maintain them, preserve their historic character, preserve ecological resources on adjacent property like seabird nesting habitat, and provide access to the public. In short, this legislation provides a way to preserve these lighthouses at very little or no cost to the federal government.

Mr. President, long after this bill passes, when citizens from all over the country visit the Maine coast and admire the lighthouses, they will have this Congress to thank for its vision and its commitment to preserving such a valuable piece of the Nation's coastal heritage.

Times have changed since the lighthouses that we will protect in this bill

were first constructed, but one thing hasn't changed: the heart of the Coast Guard's mission is still the human emergency response, the rescues at sea. It's critical that the Coast Guard maintain this capability to respond promptly and professionally to all accidents in American waters, even while we are engaged in the necessary process of balancing the budget and protecting the fiscal health of the Nation.

Senator KERRY and I authored an amendment in the Commerce Committee to prevent the Coast Guard from closing any of its small-boat, multi-mission stations unless the Secretary first certifies that the closure will not result in a degradation of services that threatens life, property, the environment, or public safety. Language that I included in this amendment provided, in particular, that a proposed station closure will not hamper the Coast Guard's ability to meet its 2-hour standard for responding to search and rescue requests.

At the request of the House, we agreed to streamline the Senate provisions for the conference report, but the report maintains the key components of our amendment. The Coast Guard will still have to certify that the closure of a small boat station will not impair the agency's ability to maintain the safety of the maritime public. It will still have to ensure that search and rescue standards, such as the two-hour response time, will have to be met. And it will still have to ensure that the extra safety threats posed by unique or special marine conditions, such as exceedingly cold water, will be fully considered before any stations are closed. This is a very important provision that will guarantee that the safety of the maritime public will not be diminished if the Coast Guard decides to close a small-boat station.

Mr. President, another provision that I sponsored during Senate consideration and that has been retained in the conference report will facilitate a timely and effective response in the event of an oil spill in certain areas near our foreign borders such as Passamaquoddy Bay on Maine's border with Canada.

Passamaquoddy Bay is a large, virtually pristine bay and estuary system that is internationally recognized as a staging area for migratory waterfowl and shorebirds. In addition, the bay area has substantial economic value, hosting major aquaculture and commercial fishing operations, a vibrant tourism industry that depends on the health of the bay, and one of Maine's three major cargo ports.

Unfortunately, this important resource would be relatively unprotected in the event of a major oil spill. The State of Maine does not have an adequate number and type of oil spill response vessels in the vicinity of Passamaquoddy Bay. Some Canadian-registered vessels based north of the bay could do the job, but current federal law prevents these vessels from operating in U.S. waters.

To address this kind of problem, my amendment, which was modified in cooperation with other senators prior to adoption of the conference report, will allow foreign-registered oil spill response vessels to be used in U.S. waters in the event of an oil spill. The authority only applies on a temporary and emergency basis, however. And it only applies as long as U.S.-documented response are not available to respond in a timely manner. Furthermore, the modified amendment makes this authority contingent on the nation in which the foreign vessel is registered providing the same privileges to U.S. response vessels.

This provision will help to ensure that U.S. waters like Passamaquoddy Bay receive the maximum amount of protection from an oil spill, while giving U.S. recovery vessels priority consideration for doing the work if they are available.

Mr. President, as we consider this conference report, the State of Maine and the Coast Guard are grappling with a significant oil spill that occurred yesterday in Portland harbor. The spill occurred after a tanker carrying diesel fuel struck a drawbridge. This is obviously a very unfortunate development, and we wish it had not happened. Once the spill has been cleaned up, it will be thoroughly investigated by federal authorities.

But the spill does underscore the very serious need to make sure that all of our coastal areas are fully equipped to respond effectively to oil spills. The conference report contains a number of provisions to do that, including the amendment that I just described, and these provisions take on an added urgency in light of the Portland oil spill.

Finally, I wanted to reference the section on financial responsibility under the Oil Pollution Act. I offered an amendment in the Commerce Committee that addressed the aspect of this issue dealing with marinas and on-shore fuel terminals. Under some current interpretations of OPA, these facilities could have been subjected to the act's extremely expensive financial responsibility requirements, even though the act was intended to cover offshore drilling platforms and other large production facilities that could be involved in large oil spills.

Mr. President, the financial responsibility language in the report reflects a compromise that Senators on the Commerce and EPW Committees, and Members of the House, negotiated on this issue. Among other things, it simply clarifies that marinas and onshore fuel terminals are not subject to OPA's financial responsibility requirements. This legislation will benefit many small businesses, boaters, commercial fishermen, oil distributors, and fuel consumers across the country without jeopardizing important environmental protections.

Mr. President, this is a very good bill, and it is the result of a lot of hard work and painstaking negotiation. It

deserves the strong support of all Senators, and I would urge my colleagues to vote yes and send it to the President.

CRUISE SHIP REVITALIZATION ACT

Mrs. BOXER. Mr. President, today we close a 3-year effort to fix a problem in State law that has led to scores of cruise ships bypassing my State of California, taking thousands of jobs and millions of dollars in needed revenue with them. Our ship, finally, has come in, and I thank my colleagues here who have helped bring the cruise ships back to the Golden State.

The conference report the Coast Guard Authorization Act includes my legislation, the California Cruise Industry Revitalization Act, S. 138, that responds to pleas from ports in my State—and the California Legislature—to overturn a State law that has harmed the cruise ship industry and the hundreds of jobs it creates. The California Cruise Industry Revitalization Act has strong bipartisan support and no opposition. It affects only my State.

I am thrilled to announce that because of our high-profile efforts to win this provision in the past week—either as part of the Coast Guard bill or the FAA bill—two major cruise lines have announced that they will return to the Port of San Diego by the end of the year, if this legislation passes. The two lines, Royal Caribbean and Carnival Cruise, pulled out in 1992.

The section of the conference report incorporating my bill corrects a problem that occurred when California responded to a 1992 congressional amendment to the Johnson Act, permitting states to prohibit gambling on intrastate cruises. The California law was written to prevent a proliferation of casino development on Indian land within the State as well as to reinforce the longstanding statutory prohibitions against gambling ships and cruises to nowhere. Unfortunately, it also prohibited ships on international cruises from making multiple ports of call within the State.

My legislation simply makes a technical change to the Johnson Act, allowing a cruise ship to make multiple ports of call in one State and still be considered on an interstate or international voyage.

This legislation is essential to restoring California's cruise ship industry, which has lost 2,400 direct and indirect jobs and \$325 million in tourist revenue since 1993. Many cruise ship companies have bypassed second and third ports of call within California.

The State's share of the global cruise ship business has dropped from 10 to 7 percent at the same time that growth in the cruise ship business overall has climbed 10 percent a year. Our lost market share has gone not to other States but to foreign countries along the Pacific coast.

Mr. President, this legislation is not simply a matter of getting Washington out of the way, as some have said. The

1994 California Assembly Joint Resolution No. 40 specifically states, "That California memorializes Congress to amend the Johnson Act to remove California's authority to regulate gambling on cruise ships traveling to foreign ports or on segments of voyages going to another State or country.* * *

Furthermore, the California Trade and Commerce Agency wrote the Senate Commerce Committee urging support for this legislation.

Today, we fulfill that request. We have been able to do so because of the hard work of many people in and outside of this Congress. I first want to thank former Congresswoman Lynn Schenk of San Diego, who first brought this bill to my attention. Lynn persuaded her House colleagues to pass this provision which was included in several maritime bills which passed the House in 1994 only to die in the legislative gridlock that fall.

Unfortunately, Lynn did not return to renew the fight in the 104th Congress. However, the Port of San Diego and other ports in California took up the call and repeatedly wrote and called congressional leaders urging support for this measure. Congratulations Lynn. I was honored to work with you.

Last year, the Committee on Commerce, Science, and Transportation agreed to attach my bill to the Coast Guard Act. I want to thank Senator HOLLINGS, the committee's ranking member, and his staff, for their unwavering support for my provision as the Coast Guard bill in conference entered troubled waters with unrelated, controversial matters inserted in the House version.

I also want to thank Senator FORD, ranking member of the Aviation Subcommittee, for his stalwart support not only in attaching my bill to the FAA Reauthorization Act but to making sure it stayed there in conference with the House until we were assured of the Coast Guard bill's passage.

We could not have won this victory without the help of the distinguished Democratic leadership of the committee, Senator HOLLINGS and Senator FORD. California owes a debt of gratitude to their leadership.

My thanks also to Congress Members JANE HARMAN, BRIAN BILBRAY and BOB FILNER who worked hard to get this bill through the House.

Mr. NICKLES. Mr. President, I ask unanimous consent that the conference report be considered adopted, the motion to reconsider be laid upon the table, and, finally, that any statements relating to the conference report be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

NATIONAL MARINE SANCTUARIES ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 543, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 543) to reauthorize the National Marine Sanctuaries Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, since the day I arrived in the Senate nearly twelve years ago, I have worked hard to address the many challenges confronting our ocean and coastal resources. After all, few states draw as much of their national and regional identity from their coastal areas and contiguous oceans as does Massachusetts.

Often with my distinguished colleagues, the Senator from South Carolina, Senator HOLLINGS, and the Senator from Alaska, Senator STEVENS, I have worked to improve national marine resource management. My efforts have come through my membership on the Senate Commerce, Science and Transportation Committee, and particularly as ranking member on the Oceans and Fisheries Subcommittee and as co-chair of the subcommittee's predecessor, the former National Ocean Policy Study (NOPS).

Over the past 25 years, Congress has worked to develop innovative policy solutions to enable the long-term protection, conservation, utilization and management of our vulnerable marine resources. We have acted to ensure strong coastal economies in Massachusetts and a clean, healthy coastal environment from the Gulf of Maine to the Gulfs of Mexico and Alaska.

One of these innovative programs is the Magnuson Fisheries Conservation and Management Act, which in 1976 introduced the new concept of domestic fishery management councils to guide the development of commercial fishery management plans. In close concert with Senator STEVENS, Senator HOLLINGS and several other Senators, I have worked long and hard during this Congress to strengthen and reauthorize the Magnuson Act. I am delighted that this effort has been successful and that the bill is on its way to the White House for the President's signature. It will greatly aid us in ensuring ecologically and economically sustainable fisheries for future generations.

Another successful innovation in marine resource protection has been the National Marine Sanctuary Program, created in 1972 and last reauthorized in 1992. Administered by the National Oceanic and Atmospheric Administration (NOAA), the National Marine Sanctuary Program is a proven success and one in which we should all take pride. I strongly support the National Marine Sanctuaries Preservation Act

and urge my colleagues to support this very important reauthorization bill.

H.R. 543 represents another step toward fulfilling a national commitment to further protect our coastal oceans, sustain marine biological diversity and fishery stocks, and encourage comprehensive natural resource management that provides for appropriate recreational and commercial activities. The marine sanctuary program successfully demonstrates that environmental protection and economic opportunity can co-exist. We can have both jobs and environmental conservation.

H.R. 543 is a straightforward reauthorization bill. It makes only minor changes to the Sanctuaries Act, and on balance, it strengthens the sanctuary program. The bill provides \$45.5 million over the next 3 fiscal years to fund the management of the 14 existing marine sanctuaries, including the Stellwagen Bank National Marine Sanctuary off Massachusetts Bay. I am assured by NOAA that this amount is adequate to sustain present management activities at all existing sanctuaries. In addition, this bill provides important authority to NOAA to develop alternative funding sources to augment government spending and enhance marine sanctuary research and management activities.

This bill makes permanent the temporary authority given to NOAA in 1992 to market and license a sanctuary program logo developed as part of a pilot logo program. Not only will this revenue enhancement program broaden the recognition of the sanctuary program, it will provide opportunities to develop supplemental funding to support sanctuary management activities. Amounts generated from this new initiative are expected to be quite limited at first, but are an important step in the long-term development of the marine sanctuary program.

H.R. 543 also addresses the current controversy regarding the designation of a new marine sanctuary in Washington state. The members of the Committee on Commerce, Science, and Transportation have worked closely with Senator MURRAY to address these concerns and we are pleased that this bill reflects those changes agreed upon.

Finally, Mr. President, I would be remiss if I did not at this time recognize the dedication to the cause of ocean and coastal resource protection of my esteemed colleague and friend from Massachusetts, GERRY E. STUDDS, who has been an outstanding leader in the Congress on this issue.

For the 20 years that GERRY STUDDS has served in Congress, he has demonstrated time and time again a responsiveness to the needs of his constituents. These needs understandably have been shaped very often by the important marine and coastal resources of Massachusetts. Through his close and constant association with the ocean, GERRY STUDDS has developed a